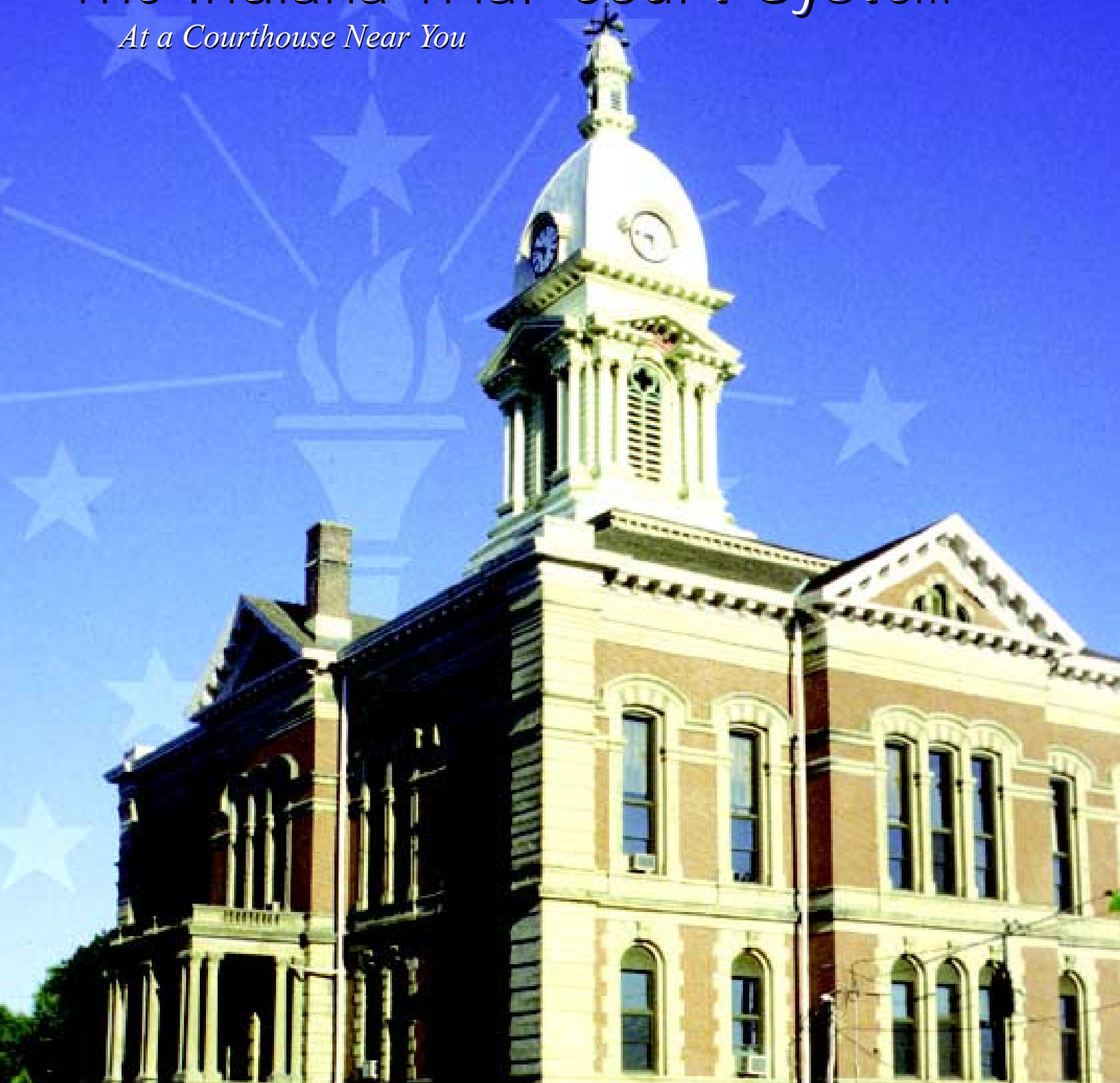


# The Indiana Trial Court System

*At a Courthouse Near You*



STATE OF INDIANA

SUPREME COURT

RANDALL T. SHEPARD, CHIEF JUSTICE



INDIANAPOLIS 46204-2798

304 STATE HOUSE  
(317) 232-2550

January 1, 2003

Dear Students,

I am very pleased to introduce this manual on the Indiana trial court system. As you explore this unit and learn more about Indiana's trial courts, you will come to find that the law and the courts touch nearly every facet of our daily lives. By learning and understanding how courts work, you will begin to understand how you can play an instrumental role in the impact the courts have on our society. Maybe one day you will serve on a jury or possibly become a lawyer or judge.

Since the first courts convened in the Indiana Territory during the years before statehood in 1816, Indiana courts have taken great pride in protecting our citizens' rights and in playing a role in ensuring justice. Courts have traditionally been known as places to resolve disputes, but the courts have also played a larger role as a focal point for community life in the communities they serve. Take a moment to notice the courthouses past and present displayed on the cover of this manual. Their impressive stature and ornate presentations reflect the importance the people of Indiana have always attached to the cause of justice.

I am proud that as our courts have evolved, they have remained connected to the communities they serve. It is important that you learn about our courts, because the future of Indiana courts will be in the hands of students like you. I speak for all members of the Indiana legal community when I invite you to explore the past, present, and future of our trial court system. I encourage you to ask questions and to invite your local judges to your classrooms to educate you more about Indiana courts. Most importantly, I urge you as students to ask yourself how you as a citizen can improve our court system in the future.

Sincerely,

*Randall T. Shepard*

Randall T. Shepard  
Chief Justice of Indiana

*Main cover photo:* Wabash County Courthouse, Wabash, Indiana - (Steve Cain, Purdue Agricultural Communication)

*Cover photos from left to right:* Jefferson County Courthouse, Madison, Indiana (photo courtesy of Jefferson County Historical Society); interior of Allen County Courthouse, Fort Wayne, Indiana; LaPorte County Courthouse, LaPorte, Indiana (photo courtesy of LaPorte County Historical Society); Putnam County Courthouse, Greencastle, Indiana.

# *The Indiana Trial Court System*

## *Acknowledgments*

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The Indiana Bar Foundation provided a portion of the funding for the printing and distribution of these manuals.

## *Notes to Teachers*

**Objective:** This unit will introduce students to the Indiana trial court system. Students will learn about the different courts that make up their state court system and how these different courts fit together. Students will also gain an understanding of how local trial courts work.

**Indiana Social Studies Standards:** This material was prepared to help teachers meet the Indiana Academic Standards for Social Studies. Skills emphasized in the standards for reading, writing, and analysis are also developed throughout this unit. This material primarily corresponds to Grades 4-8 Social Studies Standard 2: Civics and Government. Specific standards are itemized below. This list should be used only as a basic guideline; it is in no way exhaustive.

Grade 4: Foundations and Function of Government (4.2.1-4),  
Roles of Citizens (4.2.6-8), Research (4.1.15)

Grade 5: Foundations and Function of Government (5.2.1-8),  
Roles of Citizens (5.2.9-11), Research (5.1.22)

Grade 6: Roles of Citizens (6.2.6), Research (6.1.21)

Grade 7: Function of Government (7.2.3)

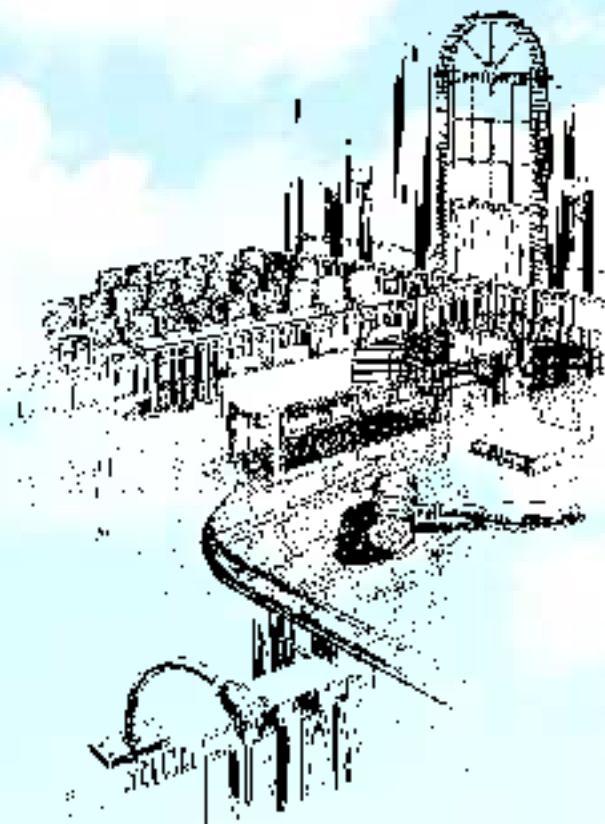
Grade 8: Foundations and Function of Government (8.2.3-8),  
Roles of Citizens (8.2.10-13), Analysis (8.1.31)



*Interior of Allen County Courthouse*

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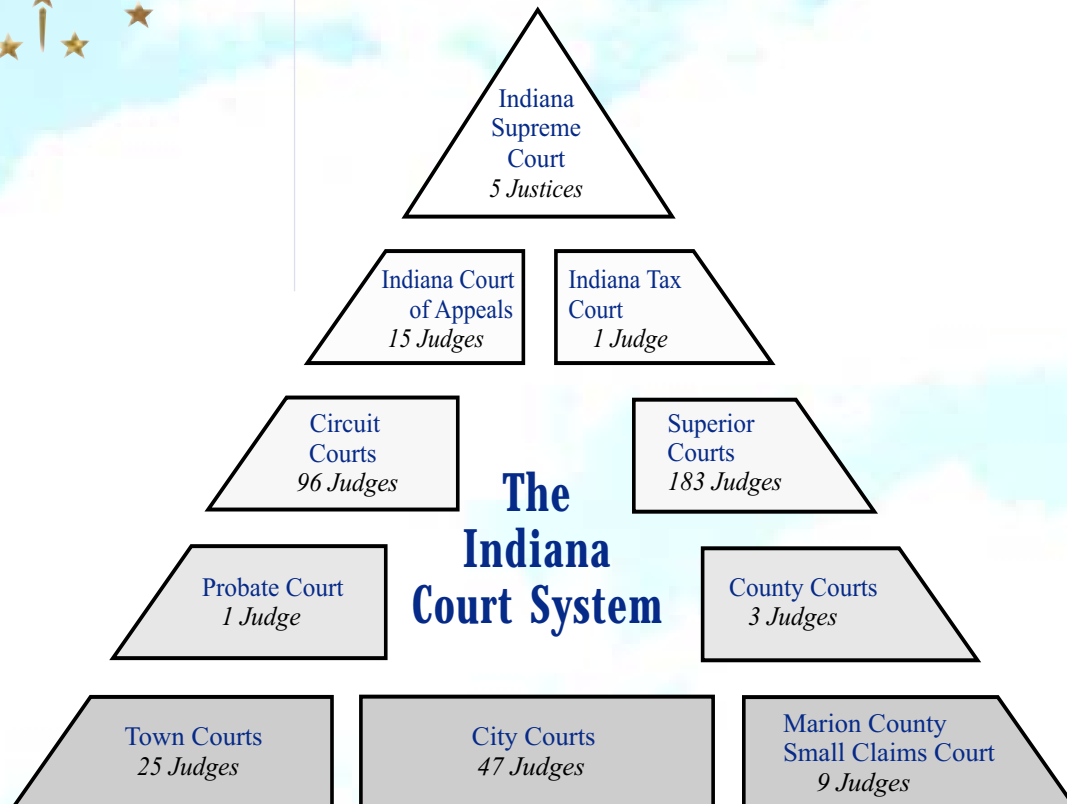


## Introduction

***H**ave you ever wondered how your local **court**\* system works? Does a real court work like the one you see on television? How is it different? Do you wonder how your local court affects you? Every day people use the court system in many ways, from traffic violations to crimes. Today, the most common way is through domestic matters, such as divorces. You may be surprised how much your local court system affects you. In this unit, we will explore our local trial court system and learn more about how it works.*

*This lesson will introduce you to the different courts that make up the Indiana trial court system. It will explain their purpose, their function, and how these courts fit together. You will also learn how the local trial court process works. By the end of this unit, you will better understand what real courts do.*

*\* Note: Words in bold italic type and other legal terms are defined in the glossary at the end of this manual.*







## Activity 1

### *What Do You Know About Your Court System?*

By yourself or in a group, write down all of the things you know about your local court system and courts in general.

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Have you ever been to court? If you have not been to court yourself, do you know anyone who has?

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Who makes the decisions in a courtroom, and what happens after a decision is made?

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How does someone become a judge? How long does a person remain a judge?

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What are some things that you do not know about the court system that you would like to know?

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#### *Questions to Work on Throughout the Unit*

1. How are the courts set up in Indiana?
2. How are the courts set up in my county?
3. Who are my local judges, and how did they become judges?
4. What is the difference between a civil and a criminal case?
5. How can disagreements be settled without going to court?
6. What is a jury?
7. How are cases moved through the court system?
8. How do my duties as a citizen fit in with my local court system?
9. How do the courts affect me?
10. How can I be involved in my local court system?

***Want to learn more?*** If you have access to the Internet, log on to the Indiana Judicial System *Courts in the Classroom* page (<http://www.in.gov/judiciary/education>) and watch *Faces of Justice*, a video in which Indiana judges explain the legal system.

## Let's Start with Indiana

- Who set up our court system?
- What kind of courts are there and what areas do they cover?
- What are the differences between circuit, superior, county, and local courts?

The Indiana Constitution divides state government into three branches: the legislative branch, the executive branch, and the judicial branch. The constitution gives the judicial power of the state to a Supreme Court, a Court of Appeals, circuit courts, and any other courts that the General Assembly sets up (Indiana Constitution, Article 7, §1). The first court in the Indiana Territory had three **judges** named by the governor in 1800. Today, the Indiana court system has many courts with many different jobs. It has more than 400 judicial officers who hear about 1.6 million cases each year!

There are two kinds of Indiana state courts: **trial courts** and **appellate courts**. The Supreme Court of Indiana, the Court of Appeals of Indiana, and the Indiana Tax Court are appellate-level courts. For the most part, appellate courts only handle cases that have already been decided in a trial court. A person who loses a trial, and wishes to challenge the decision, can ask the appellate-level court to review the case for possible mistakes. The next manual in our series will cover appellate courts. In this unit we will focus on the trial courts, where cases start.

In Indiana, there are four kinds of trial courts: circuit courts, superior courts, county courts, and city or town courts. These courts have different names, but the four kinds of trial courts are more alike than they are different. Trial courts have different names because of the ways that laws have named them, not always because of real differences in the courts.

Trial courts are courts of general **jurisdiction**, meaning they have the power to hear any civil or criminal case. Here are descriptions of each type of court found in the Indiana trial court system:

### Circuit Courts

Circuit courts are the only trial courts named in the Indiana Constitution, but the constitution did not create them. The 1851 constitution granted the General Assembly the power to create circuit courts. The General Assembly divided Indiana into **circuits**, or areas based on county lines. Indiana has 92 counties, and 88 of these counties have their own circuit with their own circuit court. The remaining four small counties in southeastern Indiana (Dearborn, Jefferson, Ohio, and Switzerland counties) have been combined to form two circuits with two counties in each circuit.

When Indiana first became a state, a circuit court was the only court in each county. Therefore, circuit courts traditionally heard ALL civil and criminal cases. Today, circuit courts continue to hear all kinds of trials EXCEPT when **exclusive** or **concurrent** (shared) jurisdiction is given to other courts.



## *The Indiana Trial Court System*

In counties without superior or county courts, the circuit courts also handle ***small claims*** cases, which are civil disagreements that involve less than \$3,000 (\$6,000 in Marion County) and minor offenses, such as ***misdemeanors***, violations of local laws, and Class D ***felonies***. Class D felonies are the lowest level (least serious) of felony charges. Circuit courts can also hear appeals from city and town courts.

### *Superior Courts*

As local needs grew and more trial courts were needed, the Indiana General Assembly created additional courts called superior and county courts. Most Indiana trial courts are superior courts, and almost all Indiana counties have superior courts in addition to their circuit courts.

For the most part, superior courts have general jurisdiction, so they can hear ALL civil and criminal cases. Superior courts also handle small claims and minor offenses if no county court system exists.

## *Examples of Trial Court Cases*

### **Civil suits involving less than \$3,000**

Example: A neighbor sues another neighbor for breaking his \$500 lawnmower.

### **Misdemeanors**

Examples: ***Shoplifting***, trespassing, resisting arrest, and shoving someone.

### **Ordinance Violations**

Examples: Noise control laws, or local laws requiring permits for certain activities.

### **Class D Felonies**

Example: Theft (under \$100,000).

### *So How Does This Work?*

#### **Example:**

In Monroe County, which includes the city of Bloomington, there are seven divisions within the circuit court and NO superior courts. If Susie Smith were ***arrested*** in Monroe County for shoplifting (which is a misdemeanor), the circuit court would hear that case.

However, in Vanderburgh County, which includes the city of Evansville, there is a circuit court and several superior courts. If Susie Smith were arrested in Vanderburgh County for shoplifting, the circuit court OR the superior court could hear the case.



### *County Courts*

The Indiana county court system was established on January 1, 1976. Today, the majority of county courts have been changed into superior courts. Floyd, Madison, and Montgomery counties are the only Indiana counties that still have a county court system. County courts handle **contract** (disagreements over written and oral agreements), **tort** (such as personal injury cases, perhaps from a car accident), and landlord/tenant cases where the damages do not exceed \$10,000. They also hear Class D felonies, misdemeanor and **infraction** cases, and violations of local ordinances. (This will be discussed in detail on page 10.) County courts also have a small claims division.

### *City and Town Courts*

City and town courts may be created by local **ordinances** (local law). Currently, there are 48 city courts and 27 town courts in Indiana. Avon, Carmel, Jamestown, and Plainfield are just a few examples of cities and towns that have these courts. City and town courts handle minor offenses, such as violations of city ordinances, misdemeanors, and infractions. These courts commonly handle traffic matters. City and town courts are not courts of record, which means that their proceedings are not recorded. That means when appeals from city and town courts go to the circuit or superior courts, they are decided as if they have never been to court before. Did you know that city and town court judges are not always attorneys?

## *Breakdown of Indiana Trial Courts*

	Circuit Courts	Superior Courts	County Courts	City/Town Courts
<b>Who Creates the Courts?</b>	Indiana General Assembly	Indiana General Assembly	Indiana General Assembly	Local Ordinance
<b>What Kinds of Cases Do They Hear?</b>	All civil and criminal cases	All civil and criminal cases	Contract and tort disputes under \$10,000 Small claims <ul style="list-style-type: none"> <li>• Civil disputes under \$3,000</li> <li>• Marion County: civil disputes under \$6,000</li> </ul> Minor offenses <ul style="list-style-type: none"> <li>• Class D felonies</li> <li>• Misdemeanors</li> <li>• Infractions</li> <li>• Local ordinance violations</li> </ul>	Misdemeanors  Violations of town laws  Civil cases under \$500 (Lake County, under \$3,000)